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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PEGGY LENOIR, an individual,

Plaintiff,

v.

ALBERTSONS, LLC; DOES 1 through 100;
and ROE CORPORATION 101 through 200,
inclusive,

Defendant(s).

Case No.: 2:23-cv-01066-RFB-MDC

**STIPULATION TO
EXTEND DISCOVERY PLAN
AND SCHEDULING ORDER
(SECOND REQUEST)**

**SUBMITTED IN COMPLIANCE WITH
LR 26-3**

Plaintiff, PEGGY LENOIR ("Plaintiff"), by and through his attorneys, AMBER KING, ESQ. of HIGH STAKES INJURY LAW, and Defendant, ALBERTSONS, LLC ("Defendant"), by and through its attorneys, LEW BRANDON, JR., ESQ., RYAN VENCI, ESQ., of BRANDON | SMERBER LAW FIRM, stipulate and agree that the discovery schedule be extended pursuant to LR 26-3.

I. Discovery Conducted to Date (LR 26-4(a)):

1. Defendant's Initial Disclosure of Witnesses and Documents served July 21, 2023.
2. Defendant's First Set of Interrogatories to Plaintiff served on July 21, 2023.
3. Defendant's First Set of Requests for Production of Documents to Plaintiff served on July 21, 2023.

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4. Defendant's First Set of Requests for Admissions to Plaintiff served on July 21, 2023.
5. Plaintiff's First Set of Interrogatories to Defendant served on July 28, 2023.
6. Plaintiff's First Set of Requests for Production of Documents to Defendant served on July 28, 2023.
7. Plaintiff's Initial Disclosure of Witnesses and Documents served on July 28, 2023.
8. Plaintiff's First Set of Requests for Admission to Defendant served on July 28, 2023.
9. Plaintiff's Responses to Defendant's First Set of Interrogatories served on August 15, 2023.
10. Plaintiff's Responses to Defendant's First Set of Requests for Production of Documents served on August 15, 2023.
11. Plaintiff's Responses to Defendant's First Set of Requests for Admissions served on August 15, 2023.
12. Defendant's First Supplement to Initial Disclosure of Witnesses and Documents served September 8, 2023.
13. Plaintiff's Deposition was taken on September 21, 2023.
14. Plaintiff's First Supplement Disclosure of Witnesses and Documents served on September 21, 2023.
15. Defendant's Responses to Plaintiff's First Set of Interrogatories served on September 22, 2023.
16. Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents served on September 22, 2023.
17. Defendant's Second Supplement to Initial Disclosure of Witnesses and Documents served October 24, 2023.

18. Defendant's Third Supplement to Initial Disclosure of Witnesses and Documents served November 3, 2023.

II. Discovery to be Conducted (LR 26-4(b)):

1. Retain and disclose experts.
2. Defendant's FRCP 30(b)(6) depositions, pending rescheduling
3. Percipient witness depositions
4. Expert depositions; and
5. Medical provider depositions

II. The Reasons the Remaining Discovery Cannot Be Completed within the Time Limits Set by the Discovery Plan (LR 26-4(c)):

Initial expert disclosures are due May 8, 2024. The parties have been working in a diligent and courtesy manner to complete discovery and not for the purpose of delay. Based on information presented at Plaintiff's deposition, it may be necessary to take the 30(b)(6) and employee depositions regarding the subject incident. The deposition of Defendant's 30(b)(6) representative was initially scheduled on March 27, 2024, however, a personal matter arose and it required rescheduling. The parties are currently working to have the deposition rescheduled. This additional information is likely to warrant additional discovery and the need for additional time for such expert as may be necessary. This is including information pertaining to surveillance video of the subject incident. Plaintiff did not receive any surveillance video until March 25, 2024. It was discovered that the time frame of the incident was not included in this production. Therefore, additional time will be necessary to determine whether such video exists as it may be necessary for an experts review. The parties are also working toward resolving this matter and additional time is requested to work towards settlement without the extra expense of experts. Excusable neglect exists as to submitting this request less than 21 days from the close of experts of May 8, 2024. Plaintiff has been diligently attempting to resolve this matter with the opposing party as well as requesting the additional video and receiving having received only partial video on march 25, 2024, has not allowed sufficient time to gather the additional information to proceed with

determining necessity of experts.

III. Proposed Schedule for Completing All Remaining Discovery (LR 26-4(d)):

The current discovery deadlines are as follows:

- | | |
|---|-----------------|
| 1. Amend Pleadings and Add Parties (LR 26-1(b)(2)): | January 9, 2024 |
| 2. Initial Expert Disclosures (LR 26-1(b)(3)): | May 8, 2024 |
| 3. Rebuttal Expert Disclosures (LR 26-1(b)(3)): | June 8, 2024 |
| 4. Discovery Cutoff (LR 26-1(b)(1)): | July 8, 2024 |
| 5. Dispositive Motions (LR 26-1(b)(4)): | August 8, 2024 |

The parties propose extending all discovery deadlines by ninety (90) days as follows:

- | | |
|---|-------------------|
| 6. Amend Pleadings and Add Parties (LR 26-1(b)(2)): | January 9, 2024 |
| 7. Initial Expert Disclosures (LR 26-1(b)(3)): | July 8, 2024 |
| 8. Rebuttal Expert Disclosures (LR 26-1(b)(3)): | August 8, 2024 |
| 9. Discovery Cutoff (LR 26-1(b)(1)): | September 9, 2024 |
| 10. Dispositive Motions (LR 26-1(b)(4)): | October 8, 2024 |

DATED April 19, 2024

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BRANDON | SMERBER LAW FIRM

HIGH STAKES INJURY LAW

/s/ Ryan Venci

/s/ Amber N. King, Esq.

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99 CENTS ONLY STORES, LLC

PEGGY LENOIR

ORDER

IT IS SO ORDERED

Dated this 24th day of April, 2024.



Hon. Maximiliano D. Couvillier III
UNITED STATES MAGISTRATE JUDGE